

REMARKS

The Examiner rejected pending Claim 12 under 35 U.S.C. § 103 as being un-patentable over Lin (U.S. Patent No. 6,091,597), Larsen (U.S. Patent No. 3,362,711) and Henderson et al. (U.S. Patent No. 3,998,459). The Examiner was of the opinion that Figures 10A and 11 in Lin discloses "at least one additional tube section having an outer diameter that is larger than the inner diameter of the distal end of the first tube section." See Office Action, Page 2, ¶ 2, Lines 9-8. The Examiner further was of the opinion that Lin disclosed that the at least one additional tube section "frictionally connects to the distal end of the first tube section" when the at least one additional tube section is in its extended position. See Office Action, Page 2, ¶ 2, Lines 14-15.

It is respectfully submitted that Lin does not contain such a disclosure. It is respectfully submitted that Lin discloses retractable rod portions (5A, 5B, 5C) having wedge-shaped retaining portions (54, 55) "so that, when the rod portions 5A, 5B, 5C are extended, they can inter-engage..." See Lin, ¶ 4, Lines 45-47 and Lin, Fig. 11.

It is respectfully submitted that Lin could not rely upon friction as a means to connect one rod portion to another as claimed in the present application. Terms are to be given their plain meaning unless inconsistent with the specification. MPEP 2111.01 "Friction" is defined in Merriam Webster as "the rubbing of one body against another." The feature "frictionally connects" in the present application, given its plain meaning, means that the first tube section connects with the at least one additional tube section by the action of the additional tube section rubbing against the first tube section. As disclosed in Lin the inner diameter of rod portion 5A is parallel to the outer diameter of rod portion 5B yet separated by a space. The only manner in which the rod portion in Lin

could connect is with the wedge-shaped retaining portions (54, 55). It is respectfully submitted that the rod portions 5A and 5B in Lin could not connect via a frictional connection.

Moreover, Claim 12 in the present application has been amended to more clearly define the features of the present invention. For example, Claim 12 now more clearly defines an "inner wall" at the distal end of the first tube section and an "outer wall" at the proximal end of the additional tube section. It is respectfully submitted that both features are shown throughout the application and the same is not new matter (such features are also inherent). Claim 12 also recites that the inner wall of the first tube section of the outer wall frictionally connects to the outer wall of the additional tube section. In sharp contrast, the inner and outer walls of Lin do not contact each other at all.

Therefore, it is respectfully submitted that Lin does not teach, disclose or suggest the features of the present invention. Moreover, it is further respectfully submitted that Lin is not properly combinable with the references cited by the Examiner

Dependent claims 22 and 23 also have been added to include the tapered feature of the tube sections at or near the end of each tube section. It is respectfully submitted that no new matter is being introduced by such an amendment (See Page 8, Lines 12-13).

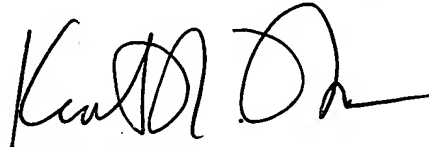
Dependent claim 24 has been added to clarify that the rate of taper is the same in the first tube section and the at least one additional tube section.

Finally, the Examiner noted Eccles (U.S. Patent No. 6,693,480) issued on November 2005 as "prior art." However, Eccles was filed in June of 2003 with no claim of priority to a prior filing date. The present application claims the benefit of a provisional application dated July 6, 2002 (see Applicant's Declaration). It is

respectfully submitted that Eccles does not qualify as prior art in the present application. Even if Eccles were prior art, it is respectfully submitted that the features disclosed therein do not anticipate or, in combination with other references, make obvious the claims in the present application.

It is respectfully submitted that the claims presently pending in the captioned application define allowable subject matter in view of the amendments and remarks herein. An early and favorable notice to that effect is earnestly solicited.

Respectfully Submitted,

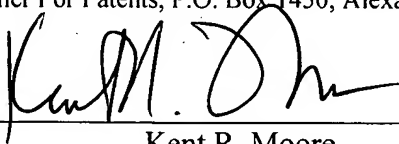


Kent R. Moore
Reg. No. 43,813

10128 Rolling Wind Drive
Soddy-Daisy, TN 37379
(423) 842-5148

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Kent R. Moore